

REMARKS

Restriction to one of the following groups was required under 35 U.S.C. 121 and 372:

Group I: Claim(s) 1, 116-119 and 121, drawn to a method for determining or identifying a compound that modulates the function of a blood vessel in an isolated retina.

Group II: Claim(s) 115 and 120, drawn to a method for determining or identifying a compound that modulates contractile state of a blood vessel in an isolated retina.

Group III: Claim(s) 122 and 124-128, drawn to a method of diagnosing impaired retinal blood vessel function in a subject.

Group IV: Claim(s) 129, drawn to a method of treating a subject having impaired retinal blood vessel function.

Group V: Claim(s) 131, drawn to a method of treating a subject having impaired retinal blood vessel function.

Election in Response to Restriction Requirement

In response to this Restriction Requirement, the Applicants elect Group III, which the Examiner indicated as encompassing Claims 122 and 124-128. Claim 123 was not mentioned in the restriction requirement at all. Claim 123 has been amended so that it is dependent on Claim 122. Accordingly, Claim 123 as presently pending is believed to be properly included within elected Group III.

Claim 130

Claim 130 was objected to under 35 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon a cancelled claim. Claim 130 has been amended so that it is dependent on claim 129. Accordingly, Claim 130 is believed to be now properly included within Group IV.

Claims 126-128

The Examiner stated that the NSAIDS of Claim 126 lack the same or corresponding technical features in that they have unique structures and targets, such that a search for one compound would not lead one to another. Claim 126 is amended to specify the subset of compounds that are NSAIDs. Claims 127 and Claim 128 are amended to depend from claims 126 and 127, respectively.

Election of Species

With respect to election of species, Applicants elect the following species:

NSAIDS (as described in Claim 126).

Claims 122-128 read on the elected species. Applicants understand that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all limitations of an allowed generic claim as provided by 37 CFR 1.141.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is respectfully invited to contact the undersigned at the below-given telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By:


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